

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

RONALD PHILLIPS,)	
)	
Plaintiff,)	8:14CV252
)	
V.)	
)	
RELIANCE STANDARD LIFE INSURANCE COMPANY,)	ORDER
)	
Defendant.)	
)	

This matter is before the Court on Plaintiff's Motion for Leave to Supplement the Administrative Record. ([Filing 20](#).) The motion will be denied.

BACKGROUND

In this action, Plaintiff seeks to recover benefits under an Employee Benefit Plan. Plaintiff alleges that Defendant wrongfully terminated his benefits under a disability insurance policy. In terminating the benefits, Defendant determined that Plaintiff was no longer totally disabled, and hence, not entitled to further benefits.

According to Plaintiff, at the time Defendant reached its determination that Plaintiff was not totally disabled, Plaintiff had pending before the Social Security Administration an appeal of his denial of social security benefits. Subsequently, on January 14, 2011, the Social Security Administration issued an opinion finding that Plaintiff was disabled. Plaintiff argues that the Social Security Administration's decision should be made part of the administrative record in this case.

DISCUSSION

Plaintiff apparently does not dispute that the deferential abuse of discretion standard applies to the Court's review of the denial of his claim. The Eighth Circuit Court of Appeals

has consistently concluded that when reviewing a claim for abuse of discretion, a court is prohibited from considering additional evidence. See Willcox v. Liberty Life Assur. Co., 552 F.3d 693, 698 (8th Cir. 2009); Cash v. Wal-mart Group Health Plan, 107 F.3d 637, 641 (8th Cir. 1997); Conley v. Pitney Bowes, 176 F.3d 1044, 1049 (8th Cir. 1999). Moreover, “[e]ven when reviewing a plan’s decision *de novo*, courts are discouraged from considering evidence in addition to that presented to the Committee.” Cash, 107 F.3d at 641-42 (internal quotation omitted).

Having considered the matter and the law presented,

IT IS ORDERED that Plaintiff’s Motion for Leave to Supplement the Administrative Record ([filing 20](#)) is denied.

DATED February 5, 2015.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**